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In re Application of	:	
WALLUKAT, et al.	:	
U.S. Application No.: 09/868,967	:	DECISION ON PETITION
PCT No.: PCT/DE99/04112	:	
Int. Filing Date: 22 December 1999	:	UNDER 37 CFR 1.181
Priority Date: 24 December 1998	:	
Attorney Docket No.: 101195-52	:	
For: PEPTIDES AND THE AT RECEPTOR AND	:	
THEIR USE FOR PREECLAMPSIA AND	:	
MALIGN HYPERTENSION	:	

This decision is in response to applicant's "Petition to Withdraw a Holding of Abandonment" filed 16 February 2006 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.181. No petition fee is due. For the reasons discussed below, applicant's concurrently filed conditional petition to revive under 37 CFR 1.137(b) will not be considered and the petition fee payment will be refunded to deposit account number 14-1263.

BACKGROUND

On 20 August 2004, applicant was mailed a decision granting applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present national stage application. The NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) mailed 05 December 2003 was vacated. The application was forwarded to the United States Designated/Elected Office (US/DO/EO) for the issuance of a new Notification of Missing Requirements (Form PCT/DO/EO/905).

On 16 December 2005, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) notifying applicant that above-identified application was abandoned as to the United States for failure to response to a Form PCT/DO/EO/905 mailed 22 January 2002.

On 16 February 2006, applicant filed the present petition to withdraw the holding of abandonment.

DISCUSSION

Applicant's petition to withdraw the holding of abandonment is **GRANTED**. As discussed in the decision mailed 20 August 2004, a review of the application file finds that the

Form PCT/DO/EO/905 mailed 25 July 2001 did not indicate that a sequence listing was needed. The first indication that applicant was required to file a compliant sequence listing was the Form PCT/DO/EO/916 (Notification of a Defective Response) mailed 07 December 2001. As such, applicant was never afforded a proper period of response, namely two months extendable pursuant to 37 CFR 1.136(a). Further review of the application file found that the most recently filed CRF and sequence listing might have been lacking as to a particular sequence which appears in claims 3 and 5. Therefore, this application was to be forwarded to the United States Designated/Elected Office (US/DO/EO) for processing and mailing of a new Form PCT/DO/EO/905. A review of the applicant file finds that a new Form PCT/DO/EO/905 was never mailed to applicant. In addition, while the Form PCT/DO/EO/909 indicates that the applicant failed to respond to a Form PCT/DO/EO/905 mailed 22 January 2002; in fact the form mailed on 22 November 2002 was a Notification of Defective Response (Form PCT/DO/EO/916) as discussed in the decision mailed 20 August 2004.

As the petition to withdraw the holding of abandonment has been granted it is not necessary to consider applicant's conditional petition to revive under 37 CFR 1.137(b).

CONCLUSION

Applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment for the present national stage application is GRANTED.

The "Notification of Abandonment" mailed 16 December 2005 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a substitute computer readable form (CRF) of the sequence listing is required.



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